IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No. 222 of 1996

For Approval and Signature:

Hon'ble MISS JUSTICE R.M. DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

HITENDRAKUMAR PRAVINCHANDRA THAKAR

Versus

STATE OF GUJARAT

Appearance:

THROUGH JAIL for Petitioner

MR ST MEHTA APP for Respondent No. 1

NOTICE SERVED for Respondent No. 2

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 20/09/2000

ORAL JUDGEMENT

This application under Section 397 read with Section 401 CrPC has been preferred by the accused-convict in Criminal Case No. 543 of 1995,

through jail. The learned advocate Mr. M.J Budhbhatti has been appointed to represent the petitioner and to assist the Court.

In Criminal case no. 543 of 1995, the accused-petitioner was tried for the offence punishable under Section 170 IPC. It was alleged that the accused impersonated as a doctor and represented that he was transferred and appointed as Superintendent in the Community Health Centre, Khedbrahmma. Under the guise of his having been appointed as Superintendent in the Community Health Centre, Khedbrahmma, the accused acted as such for five days from 11th April, 1995 to 15th April, 1995. The learned Judicial Magistrate, First Class, Khedbrahmma tried the Criminal case and held the accused guilty of the offence charged and sentenced him with rigorous imprisonment for one year and fine of Rs. 1,000/=. A further simple imprisonment for three months was imposed in default of payment of fine. Feeling aggrieved, the accused preferred Criminal Appeal No. 40 of 1995. The learned Additional Sessions Judge, Sabarkantha by his judgment and order dated 5th February, 1996 dismissed the appeal and confirmed the conviction and sentence of the accused. Feeling aggrieved, the accused has preferred the present revision.

Mr. Budhbhatti has submitted that considering the evidence on record, both the Courts have erred in holding the petitioner guilt of the charge. I see no substance in this contention. Both the Courts below having appreciated the evidence before it held the accused guilty of the offence charged. In view of the concurrent finding recorded by both the Courts below, neither the order of conviction nor that of sentence warrants interference.

Revision application is dismissed. Rule is discharged.

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Prakash*